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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,112	06/09/2000	Robert H. Hutchins, Jr.	HUTCP0101US	3415

7590 05/31/2002

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EXAMINER

MENDIRATTA, VISHU K

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 05/31/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/591,112

Applicant(s)

HUTCHINS, JR., ROBERT H.

Examiner

Vishu K Mendiratta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 18-23, 25, 26, 28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 18-23, 25, 26, 28 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. Claims 1-3, 5, 9-12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Oretsky. *CSY*

Oretsky teaches a board game comprising three-dimensional segments (1), spaced apart by one or more voids (3), void fillers (6,8), void fillers comprising walls separating segments (col.3, lines 25-30), segments define spaces in array (Fig.1), comprising 64 segments (col.2, lines 60-69), uniform spacing between segments (Fig.1), each segment having a bottom, top and a column in between which essentially makes a segment three-dimensional (Fig.1), further comprising a segment having a prescribed pattern (a rectangular column).

2. Claim 23, 25, 26, 28 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Eplett.

Eplett teaches a game board in segments in such a way that when they are disposed relative to one another they form a chess board (Fig.6), a first motif being different terrain than a second motif as can be seen from the top surfaces of the segments on figure 6.

Claim Rejections - 35 USC § 103

3. Claims 4, 6-8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oretsky in view of Bulbrook.

Oretsky teaches all limitations of these claims except that it does not teach four corner segments higher than other segments, various elevations of segments in a sequence

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from higher to lower, segments in sizes, and segments having interior region. Bulbrook teaches four corner segments higher than other segments (Fig.1), segments at different elevations (fig.1) in a sequence from higher to lower. In order to make the game look aesthetically different, it would have been obvious to make such changes in the board. One of ordinary skill in art at the time the invention was made would have provided such changed features.

4. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oretsky in view of Gaito.

Oretsky teaches all limitations of these claims except that it does not teach light in the segment and it being transparent. Gaito teaches interior of segments having light bulbs (50,52). In order to make the playing positions illuminated, it would have been obvious to provide electric bulbs in the interior of the segments. One of ordinary skill in art at the time the invention was made would have provided an interior of the segments for obvious purposes.

5. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oretsky in view of Wood.

Oretsky teaches all limitations of these claims except that it does not teach implementation of the game on computer. Wood teaches implementation of such a game having segments forming chess arrays on computer (col.2, lines 45-60). In order to popularize the game, it would have been obvious to implement the game on computer. One of ordinary skill in art at the time the invention was made would have implemented the game on computer for large number of people to access the game.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Skillman, Randell, Flynn, Rosenbaum, Palazzolo, Hullinger, Ortega, Block, teach structure similar to applicants claimed structure. **Gaffney teaches terrain on segments** and Berger teach segmented game surfaces..

Response to Arguments

6. Applicant's arguments with respect to claims 1-15,18-23,25-26,28 and 30 have been considered but are moot in view of the new ground(s) of rejection.
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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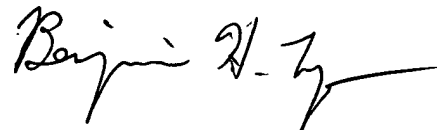
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K Mendiratta whose telephone number is (703) 306-5695. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on (703) 308-2126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Vishu K Mendiratta
Examiner
Art Unit 3711

VKM
May 23, 2002



Benjamin H. Layno
Primary Examiner